IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

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TEXAS BANKERS ASSOCIATION; RIO BANK, MCALLEN, TEXAS; AMERICAN BANKERS ASSOCIATION,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION BUREAU and ROHIT CHOPRA, in his official capacity as Director of the Consumer Financial Protection Bureau,

Defendants.

Case No: 7:23-cv-00144

ORDER

Before the Court is the Emergency Motion for Preliminary Injunction (the "Motion") filed by Texas First Bank, Independent Bankers Association of Texas, and Independent Community Bankers of America (collectively, "Intervenors"). The Court finds that Intervenors are likely to succeed on the merits of their claims and that, if the Motion is not granted, Intervenors, their members, and other financial institutions will be irreparably harmed by Defendants' implementation and enforcement of the Final Rule (the "Final Rule") entitled *Small Business Lending Under the Equal Credit Opportunity Act (Regulation B)*, 88 Fed. Reg. 35,150, 2023 WL 3723408 (May 31, 2023), because, pursuant to the ruling by the United States Court of Appeals for the Fifth Circuit in *Cmty. Fin. Servs. Ass'n of Am., Ltd. v. CFPB*, 51 4th 616 (5th Cir. 2022), *cert. granted*, 215 L.Ed.2d 104, 143 S.Ct. 978 (2023) ("*Community Financial*"), the Final Rule is unconstitutional and unenforceable. The Court further finds that the balance of the equities favors a preliminary injunction. Accordingly, it is hereby

ORDERED that the Motion is granted; it is further

ORDERED that Defendants are hereby preliminarily enjoined from implementing and

enforcing the Final Rule against Intervenors, their members, and any other person or entity

pending the United States Supreme Court's final decision in Community Financial, a trial on the

merits of this action, or until further order of this Court; it is further

ORDERED that Defendants shall immediately cease all implementation or enforcement

of the Final Rule; it is further

ORDERED that all deadlines for compliance with the requirements of the Final Rule are

hereby stayed until after the Supreme Court's final decision in Community Financial; it is further

ORDERED that, in the event of a reversal in Community Financial, Defendants shall

extend all deadlines for compliance with the Final Rule for Intervenors, their members, and all

other persons and entities subject to the Final Rule by the number of days during which

enforcement of the Final Rule is stayed; it is further

ORDERED that no security bond shall be required under Federal Rule of Civil Procedure

65(c).

Entered on this ____ day of ______, 2023.

Randy Crane

United States Chief District Judge

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